

### **III. REMARKS/ARGUMENTS**

#### **A. Remarks.**

Claims 1-26 are pending in this application. Claim 9 is objected to for lacking antecedent basis. Claims 1, 2, 4, 17-19, and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wittrisch, U.S. Patent No. 4,660,635. Claims 5, 8, 10-12, 15, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lawrence et al., U.S. Patent No. 2,794,619. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wittrisch '635 in view of Lawrence et al, '619. Claims 6, 7, 9, 13, 14, and 24-26 were objected to as being dependent on a rejected base claim, but were found to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Also, the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) and 37 C.F.R § 1.84(p)(5).

#### **B. Response**

##### **1. Drawings**

The drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) for the regarding designation of certain reference characters. In response, appropriate changes to the specification are made with this paper clarifying the inner piston having reference character 36, the outer piston having reference character 38, and removing the reference character of the shear screws. The drawings were further objected to under 37 C.F.R § 1.84(p)(5) for failing to include references in the description for reference character "60" and "theta". In response, an amendment to the description is requested herein changing reference character "61" to "60" (in

regard to the flow path). Applicant respectfully disagrees that “theta” is shown as a “0”, but instead use of the well known symbol “ $\Theta$ ” (for angle designation) is used in both the description and in the drawings.

2. Claim 9

Claim 9 is objected to for lacking antecedent basis for the second piston. Claim 6 recites a second piston and claim 9 now indirectly depends from claim 6. Thus claim 9 now has antecedent basis for the second piston.

3. Claims 1, 2, 4, 17-19, and 21-23

Claims 1, 2, 4, 17-19, and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wittrisch ‘635. In response, claims 1-4 and 17-19 are being cancelled with this paper. Claims 21-23 have been amended to depend from allowable claim 24. Accordingly this rejection is no longer applicable and should be removed as a basis for the rejection of any pending claims of this application.

4. Claims 5, 8, 10-12, 15, 16 and 20

Claims 5, 8, 10-12, 15, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lawrence et al. ‘619. In response, claim 5 is being cancelled with this response. Claims 8, 10-12, 15, 16, and 20 now depend from allowable claim 6. Thus this rejection is also no longer applicable for the rejection of any pending claims.

5. Claim 3

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wittrisch ‘635 in view of Lawrence et al, ‘619. This rejection is now moot since claim 3 is being cancelled with this response.

#### 6. Allowable Subject Matter

Claims 6, 7, 9, 13, 14, and 24-26 were objected to as being dependent on a rejected base claim, but were found to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claims 6 and 24 are being amended with this paper to include all limitations of their respective base claims. Claims 7-12, 15, 16, 20 now depend from claim 6 and claims 21-23, 25, and 26 depend from claim 24. As such these claims are now in condition for allowance and an early allowance is respectfully requested.

#### IV. CONCLUSION

The claims have been amended to respond to the examiner's objections and for clarification in responding to the examiner's rejections. It is respectfully urged that in light of the above amendments and submissions that applicant's claims are patentable in light of the prior art. Based on the aforementioned arguments, the rejection of claims under 35 U.S.C. § 102(b) should be reconsidered and removed and the rejection of claims under 35 U.S.C. § 103(a) should be removed as well. Moreover, the objections to the drawings should also be removed.

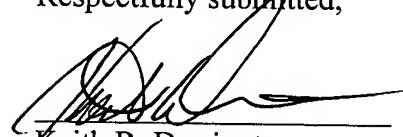
It is believed that the foregoing response is full and complete. Additionally, as per 37 C.F.R. § 1.7, this paper is being filed timely since the last date for taking action coincided with a Federal Holiday and is being filed on the next succeeding business day. Applicant respectfully requests reconsideration of the instant application in light of the foregoing response and amendments.

Should the Examiner have any questions, comments or suggestions in furtherance of the

prosecution of the application, the Examiner is invited to contact the Applicant's representative by telephone or fax.

Date: December 27, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Keith R. Derrington', is written over a horizontal line.

Keith R. Derrington  
Reg. No. 44,061  
Simmons & Derrington, L.L.P.  
Frost Bank Building  
6750 W. Loop South, Suite 920  
Houston, Texas 77401  
telephone: 713-977-0723  
facsimile: 713-552-0110

ATTORNEY FOR APPLICANT